



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	
	)	
Inventor: LUNGO	)	
	)	
Title: PORTABLE TOOL CARRIER FOR	)	
STEP LADDERS	)	
	)	
Serial No. 10/054,448	)	Examiner LUONG, S. T. T.
	)	
Filing Date: 01/18/2002	)	Group Art Unit 3728

**EXHIBIT B**

**TO**

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES  
OR IN A NAFTA OR WTO MEMBER COUNTRY  
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. 1.131)**

Brief Description: Supporting Declaration of Keith Frantz.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	
	)	
Inventor: LUNGO	)	
	)	
Title: PORTABLE TOOL CARRIER FOR	)	
STEP LADDERS	)	
	)	
Serial No. 10/054,448	)	Examiner LUONG, S. T. T.
	)	
Filing Date: 01/18/2002	)	Group Art Unit 3728

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION IN SUPPORT OF  
DECLARATION OF PRIOR INVENTION IN THE UNITED STATES  
OR IN A NAFTA OR WTO MEMBER COUNTRY  
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. 1.131)**

I, **Keith Frantz**, a citizen of the United States of America, currently residing in Rockford, IL, and having an office at Suite 200, 401 West State St., Rockford, IL 61101, make this Declaration in support of a DECLARATION OF PRIOR INVENTION IN THE UNITED STATES OR IN A NAFTA OR WTO MEMBER COUNTRY TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. 1.131) by **Philip M. Lungo** to which this Declaration is attached as Exhibit B, and hereby declare as follows:

1. I am a registered patent attorney, registration number 37,828, with the US Patent and Trademark Office, and I am Applicant's Attorney in the above-identified patent Application.
2. Prior to July 9, 2000, Lungo provided me with a prototype of a tool carrier for step ladders, and photographs of the prototype. True and accurate photocopies of

is identical in construction and operation to the embodiment shown in FIGS. 9-19 in the present Application.

5. On July 9, 2000, pursuant to instructions from Lungo to prepare a design patent application, I e-mailed to draftsman Charles Viola photocopies of the photographs shown in Exhibit A, markups and sketches, and a cover letter with instructions for preparation of drawings for the application. I produced the markups and sketches from the photographs shown in Exhibit A, the prototype, and drawings that had been prepared for an earlier design patent application (S/N 29/124,601, filed June 7, 2000). This earlier application was based on an earlier prototype and photographs thereof Lungo had provided me prior to May 2, 2000. True and accurate photocopies of these earlier photographs are attached to the Lungo Declaration as Exhibit C. This earlier prototype is identical in construction and operation to the embodiment shown in FIGS. 1-8 of the present Application, and includes holders shown in FIGS. 20-25 of the Application. A copy of US Design Patent D444,575 issuing from application 29/124,601 is attached to the Lungo Declaration as Exhibit D. A true and accurate redacted copy of the correspondence to Charles Viola and enclosures are attached to the Lungo Declaration as Exhibit E.

6. On July 19, 2000, Lungo filed U.S. Design Patent Application S/N 29/126,648 with drawings prepared under my instructions by Charles Viola from the sketches and photographs e-mailed to Viola on July 9, 2000. This application matured into U.S. Design Patent No. D445,202, a copy of which is attached to the Lungo Declaration as Exhibit F.

7. On January 18, 2001, Lungo filed U.S. Provisional Patent Application S/N 60/262,501 to which the present Application claims priority. I prepared the specification and drawings for this provisional application, under instructions prior to December 11, 2000 from Lungo, from the above-identified photographs, sketches, prototype, and design application drawings. A copy of the provisional application is attached to the Lungo Declaration as Exhibit G.

11. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further

that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application and any patent issuing thereon.

Signature:   
Keith Frantz

Date: 1-15-04

Signed at: Rockford, IL

Residence: 1623 Crosby Street, Rockford, IL 61107

Citizenship: United States of America

Permanent Residency: United States of America

Post office Address: Suite 200, 401 West State St., Rockford, IL 61101